CALIFORNIA
ENERGY
COMMISSION

GRANT SOLICITATION

Alternative and Renewable Fuel and Vehicle Technology Program

Solicitation Number PON-11-609

Subject Area: Hydrogen Fuel Infrastructure

APPLICATION PACKAGE

February, 2012

Edmund G. Brown Jr.
Governor

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GRANT SOLICITATION AND APPLICATION PACKAGE

Alternative and Renewable Fuel and Vehicle Technology Program

Subject Area: Hydrogen Fuel Infrastructure

1. **Release Date:** February 9, 2012

2. **Application Due Date:** March 15, 2012, by 3 p.m.

3. **Purpose:**

This is a competitive grant solicitation. The California Energy Commission (Energy Commission) is seeking to develop infrastructure necessary to dispense hydrogen transportation fuel.

The goal of this solicitation is to provide grant funds to projects which expand the network of public retail and public-private fleet-based hydrogen fueling stations to serve the current population of fuel cell vehicles (FCVs) and to accommodate the planned large-scale roll-out of FCVs commencing in 2015. Projects that upgrade existing public and private hydrogen fueling stations are also eligible for funding under this solicitation.

Applications must correspond to and support FCV manufacturers' deployment of FCVs and hydrogen internal combustion engine vehicles (HICEV) in identified "early-adoption" clusters in California. Alternatively, successful projects may establish hydrogen fueling stations where FCV or HICEV populations are sufficient. Applicants may be eligible for additional funding for projects that exceed the renewable hydrogen content standard set forth in Senate Bill 1505 (Lowenthal, Chapter 877, Statutes of 2006) ("SB 1505") and/or for stations that achieve an accelerated establishment schedule.

4. **Availability of Solicitation Documents and Information:**

This solicitation, all supporting documents, and related forms can be found at [http://www.energy.ca.gov/contracts/index.html] under "Current Solicitations." Interested parties may also sign up for the electronic mailing list on this webpage to be notified of any changes to this solicitation.

For those parties without Internet access, copies of this solicitation can be obtained by contacting:

California Energy Commission
Grants and Loans Office
1516 Ninth Street, MS-18
Sacramento, CA 95814
Telephone: (916) 654-5067

Interested parties may also request to be added to the mailing notification list to receive changes made to this solicitation.

5. Background:

Assembly Bill 118 (Nùñez, Chapter 750, Statutes of 2007), created the Alternative and Renewable Fuel and Vehicle Technology (ARFVT) Program. The statute, subsequently amended by AB 109 (Nùñez, Chapter 313, Statutes of 2008), authorizes the Energy Commission to develop and deploy alternative and renewable fuels and advanced transportation technologies to help attain the state's climate change policies. The ARFVT Program has an annual budget of approximately $100 million and provides financial support for projects that:

- Reduce California's use and dependence on petroleum transportation fuels and increase the use of alternative and renewable fuels and advanced vehicle technologies.
- Produce sustainable alternative and renewable low-carbon fuels in California.
- Expand alternative fueling infrastructure and fueling stations.
- Improve the efficiency, performance and market viability of alternative light-, medium-, and heavy-duty vehicle technologies.
- Retrofit medium- and heavy-duty on-road and non-road vehicle fleets to alternative technologies or fuel use.
- Expand the alternative fueling infrastructure available to existing fleets, public transit, and transportation corridors.
- Establish workforce training programs and conduct public outreach on the benefits of alternative transportation fuels and vehicle technologies.

The statute requires the Energy Commission to adopt and update annually an investment plan to determine funding priorities and describe how program funding will be used to complement other public and private investments. The Energy Commission adopted its most recent investment plan on September 7, 2011.

Links to the 2010-11 and 2011-12 *Investment Plans for the Alternative and Renewable Fuel and Vehicle Technology Program proceeding* can be found at:
http://www.energy.ca.gov/2010publications/CEC-600-2010-001/CEC-600-2010-001-CMF.PDF
and
http://www.energy.ca.gov/2011publications/CEC-600-2011-006/CEC-600-2010-CMF.PDF

6. Eligible Projects:

To be eligible under this solicitation, projects must be located in California and include at least one of the following activities:

- Installation of new retail or fleet hydrogen dispensing stations and equipment.
- Upgrade/refurbishment of existing hydrogen dispensing stations and equipment.
- Installation of hydrogen dispensing equipment at a multi-fill station. (A multi-fill station is a station which has dispensers for more than one alternative fuel.)
- Installation or upgrade of fill systems to supply hydrogen to fueling stations such as specialized trailers or installations to connect a station to a nearby hydrogen pipeline.
- Installation of equipment for onsite production of renewable hydrogen fuel that is in excess of what is needed to comply with SB 1505.

Project applicants are encouraged to coordinate their project activities with the upcoming Department of Energy (DOE) hydrogen infrastructure solicitation for advanced fueling technologies, which is anticipated to be released in the first quarter of 2012.

Applicants may submit multiple project applications. Each application may contain multiple stations and a fill system. Each station in an application needs to be clearly delineated and adhere to all requirements contained in this solicitation. See Section 15 (Application Requirements) for more information.

Minimum Requirements for Eligible Projects

To be eligible under this solicitation, proposed stations must **at a minimum** include each of the following:

a) Technical Requirements
New and upgraded hydrogen stations/dispensers
- Minimum 100 kg per day nominal capacity per station with 20 kg per hour peak fueling capacity.[1]

[1] SAE TIR J2601, Section 3; http://www.sae.org. Fueling Station Capacity. The peak fueling capacity is defined by the number of 7kg-capacity vehicles that can be fueled according to the Fueling Protocol per one hour period and shall be expressed in kg/hr. The

- 350 bar (35 MPa) and 700 bar (70 MPa) dispensing pressures.
- Compliance with Society of Automotive Engineers (SAE) Standards:
  - 2799 (Compressed Hydrogen Surface Vehicle Fueling Connection Device and Optional Vehicle to Station Communications)
  - J-2601 (Safety limits and performance requirements for gaseous hydrogen fuel dispensers)
  - J-2719 (Hydrogen Fuel Quality for Fuel Cell Vehicles)
  - 2600 (Compressed Hydrogen Surface Vehicle Refueling Connection Devices).
- Meet SB 1505 requirements for 33.3 percent renewable hydrogen dispensed at publicly funded stations when implemented by the California Air Resources Board (ARB).

Fill Systems

- Technical requirements must be compatible with fueling stations and their specifications.

b) Data collection and reporting
   - Ability to provide real-time status/alert as well as throughput and usage data.
   - Remote monitoring capability including station operation status available online to the public.

c) Station Design, Ownership and Operation
   - A summary plan for demonstrating continuous ownership and operation of the station for three (3) years after installation completion.
   - Retail-like design and appearance, meeting minimum standard terms of operation: Station must be safe, well-lit, have adequate ingress/egress to the fueling facility with ample directional signage from the nearest thoroughfare; 6-10 hours of daily operation; attendant available with adequate notice; self-serve, menu-driven dispenser; no Personal Protection Equipment required (PPE)
   - Meets the local permitting requirements for public fueling stations.
   - Open access to all current and future FCVs/HICEVs; no prohibitive user agreements shall limit use of the station(s).
   - Station approval by at least one original equipment manufacturer (OEM), with the OEM's estimated throughput per station.
   - A plan to assure proper training for all users of the station(s).
   - The station(s) must be operational no later than October 30, 2014.

d) Location
   - Letter(s) from OEMs that evaluate the suitability of the project location for serving the widest possible existing and future FCV populations;

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average daily station capacity (kg/day) shall be the total kg of hydrogen that can be delivered to 7kg-capacity vehicles according to the Fueling Protocol over a 12 hour period.

- Fueling stations must be located within or in close proximity to one of the four southern California early-adopter clusters which includes Irvine, Newport Beach, Santa Monica, Torrance, or the two northern California clusters, San Francisco Bay Area and Sacramento. These represent the primary target areas of this solicitation, and are the main areas where OEM vehicle deployments will likely occur according to recent survey data from OEMs. Alternatively, a non-early-adopter cluster location may meet the minimum location requirement if the applicant demonstrates that the area has high concentrations of deployed FCVs or HICEVs, and establishes that there is a sufficient secured vehicle population and fuel throughput equivalent to the six identified clusters.

7. Eligible Applicants:

This solicitation is open to public agencies, vehicle or energy entities, businesses, public-private partnerships, fleet owners, and academic consortia.

The project team must have a minimum of three (3) years experience designing, planning, constructing, testing, operating and maintaining hydrogen fueling stations.

To be eligible, applicants ***must agree to be bound by the ARFVT Program Grant Terms and Conditions*** (Attachment K) for any agreement(s) resulting from this solicitation. The Energy Commission reserves the right to add or modify any special terms and conditions necessary to successfully administer a grant agreement resulting from this solicitation. No exceptions to these Terms and Conditions will be considered. Therefore, the Commission recommends that both the applicant and its subcontractors, including legal counsel, carefully review the ARFVT Program Grant Terms and Conditions before deciding to submit an application.

To be eligible, applicants must have a business presence in California.
All private entities are required to register and be in good standing with the California Secretary of State to enter into an agreement with the Energy Commission. If not currently registered with the California Secretary of State, applicants are encouraged to contact the Secretary of State's Office as soon as possible to avoid potential delays in beginning the proposed project (should the application be successful). For more information, contact the Secretary of State's Office via its website at www.sos.ca.gov.

8. Grant Funding Information:

The total funding available for grants awarded pursuant to this solicitation is $18.7 million (comprised of $10.2 million from the 2010-11 Investment Plan and $8.5 million from 2011-12 Investment Plan).

Each successful applicant may be awarded a percentage of the total project cost based on the sliding scale described in Table 1, below (the "Energy Commission Cost Share"). The remaining project costs are the applicant's required match share ("Match Share").

Table 1

Total Station/System Cost	**Energy Commission Cost Share**
Over $3 million	$1,500,000 or 40%, whichever is greater
Up to $3 million	$1,200,000 or 50%, whichever is greater
Up to $2 million	$700,000 or 60%, whichever is greater
Up to $1 million	70%

Examples:

- A station that costs $900,000 would receive 70% of $900,000 or $630,000
- A station that costs $1,050,000 would receive $700,000, since $700,000 is greater than 60% of $1,050,000 ($630,000)
- A station that costs $1,800,000 would receive $1,080,000, since $1,080,000 (60% of $1.8 million) is greater than $700,000

The Energy Commission reserves the right to reduce an award to an amount deemed appropriate in the event the maximum funding available for this solicitation does not provide full funding for each of the top scoring applications. In this event, the Grantee and the Energy Commission shall meet and reach agreement on a scope of work commensurate with the level of available funding.

In order to encourage "CEQA-ready" projects and to ensure timely encumbrance of funds, the Energy Commission will conduct two rounds of scoring. The first round of scoring will fund up to $15 million in passing projects. Remaining funds will be applied to the second round of scoring. See Section 12 (Selection of Projects and Award Process) for details.

Operation and Maintenance costs

Operations and maintenance costs are currently not eligible for funding under this solicitation. However the Energy Commission is evaluating the need for and feasibility of funding operation and maintenance costs, and may amend this solicitation to allow for such funding on a limited basis.

Performance Incentives:

The Energy Commission may award additional funds above the Energy Commission Cost Share referenced in Table 1 for projects that exceed SB 1505 renewable hydrogen content goals and/or for stations that can achieve an accelerated establishment schedule, as discussed below.

Applicants requesting performance incentives must clearly state which stations in their application seek incentive funding and which do not. Applicants should review the Performance Incentives Special Condition Template (AttachmentN) for additional requirements for the performance incentives that will be incorporated into the final agreement.

Renewable Hydrogen Content:
The Energy Commission acknowledges that providing renewable hydrogen increases operation costs. For proposed fueling station(s) that will dispense renewable hydrogen exceeding 33.3% by volume, the Energy Commission may fund an additional 10% of the total station cost.

In order to qualify for the additional incentive funding, applicants must elect to seek this funding by clearly stating it in their application. The applicant must specify how much renewable hydrogen they will provide above the 33.3% minimum. The application must describe or provide proof of the origin of the renewable fuel or feedstock, the production process and how the fuel or feedstock will be transported. Additionally, applicants must provide detailed itemizations of additional equipment and other project costs attributable to the renewable hydrogen.

Accelerated Projects
Applicants that accelerate the completion time of the project (all fueling stations/systems in the application) to 18 months or less (from grant execution to start of dispensing operation) may be eligible for 5% additional funding for the application. Specific documentation (schedule of products and due dates, permitting schedules) and explanations need to be provided on how this will be accomplished.

9. Match Funding Requirements:

The balance of the project cost beyond the Energy Commission cost share is the Applicant's required match share. Applicants must use the Energy Commission Cost Share percentages described in Section 8, Table 1 and omit bonus funding when budgeting their Match Share funding requirements. Applications with a greater percentage of the total project costs in match funding will be scored higher than those with lower match funding shares.

Applicants must disclose the source and provide verification and documentation for the Match Share funding. Match funding may be in the form of cash or cash and in-kind contributions such as donated labor hours, equipment, facilities, and property. Equipment, facilities (e.g. laboratory space), and most property may count as match funds as long as the value of the contribution is based on documented market values or book values, prorated for its value to the project, and

depreciated or amortized over the term of the project using standard accounting principles.

Assembly Bill 1314 (Wieckowski, Statutes of 2011, Chapter 487), effective January 1, 2012, amended the ARFVT Program to allow an applicant to count as match those project costs incurred after the Energy Commission notifies the applicant that its project has been proposed for an award. Pre-execution match expenditures are at the applicant's own risk. The Energy Commission is not liable for applicant's costs if the grant is not approved, if approval is delayed, or if the match expenditure is not allowable under the terms and conditions of the grant or applicable federal cost principles incorporated by reference into the agreement. All match expenditures must conform to the requirements in the terms and conditions of the grant agreement. Grant recipients will be required to document and verify pre-execution match expenditures, and provide a synopsis of project progress, in the first monthly progress report and invoice to the Energy Commission after grant execution.

The Energy Commission will not reimburse for costs incurred before final execution of the grant agreement.

Funding from other non-state government agencies may be used as match share. Applicants are encouraged to coordinate their project activities with the upcoming DOE hydrogen infrastructure solicitation for advanced fueling technologies, which is anticipated to be released in the first quarter of 2012.

Energy Commission funds will be released only if the required match percentages are expended. Match percentages will be evaluated quarterly.

10. Payment of Prevailing Wages:

Some projects under this solicitation might be considered public works pursuant to the California Labor Code. If the project is a public work, prevailing wage is required. The California Department of Industrial Relations (DIR) has jurisdiction to decide whether a particular project is or is not a public work. If the project involves construction, alteration, demolition, installation, repair or maintenance work, it probably would be considered by DIR to be a public work. Examples of the activities that would probably lead DIR to find that the project involves public works include: cement work, site preparation such as grading, surveying, electrical work such as wiring, and carpentry work. Certain workers are entitled to prevailing wage, such as operating engineers, surveyors, carpenters, laborers, etc. However, other workers are not subject to State prevailing wage laws, such as design or pre-construction engineers or project superintendent who do not perform work on the projects.

Applicants must determine if the proposed project involves public works, and ensure that the project budget for labor reflects all prevailing wage requirements. The budget should indicate which job classifications are subject to prevailing wage.

In order to determine if the proposed project involves public works, please contact DIR as advised in Attachment J. If the Applicant is unsure whether the proposed project involves public works and has not received a determination from DIR that the project is not a public work, the Applicant is advised to prepare a budget assuming that prevailing wage laws apply.

If the proposed project is a public work, DIR maintains a list of covered trades and the applicable prevailing wage. Any agreement resulting from this solicitation that includes a public work will include the requirements for a public works project, such as paying prevailing wage, keeping payroll records, complying with working hour requirements, and apprenticeship obligations. See the ARFVT Program terms and conditions, the Special Condition regarding Prevailing Wage Compliance (Attachment H), and Prevailing Wage Compliance Certification Form (Attachment I).

For detailed information about prevailing wage and the process to determine if the proposed project is a public work, see the Prevailing Wage Compliance Questions and Answers (Attachment J).

11. California Environmental Quality Act (CEQA):

Projects awarded Energy Commission funding are subject to the California Environmental Quality Act (CEQA) if the project meets the legal definition of "project" as defined in CEQA (Public Resources Code Section 21000 et seq.). A "project" is an action requiring a discretionary approval (such as a permit) from a local, regional, or state agency that has the potential to cause a direct physical change or a reasonably foreseeable indirect change in the environment

If any part of the proposed project could qualify as a "project" under CEQA, applicants will be required to provide all required documentation to facilitate CEQA compliance prior to approval of the agreement and award of the grant money. Hydrogen fueling infrastructure projects will likely qualify as a “project” under CEQA. The Energy Commission must comply with its legal obligation under CEQA prior to advancing a project to the Business Meeting for Commission approval. Thus, no awards can be approved until CEQA is satisfied.

An applicant’s preparedness in meeting CEQA compliance will be evaluated in technical scoring. Therefore, projects proposing an unrealistic timeline for obtaining CEQA documentation may receive a lower score. If CEQA compliance may be required, applicants should begin the compliance work as soon as feasible so as not to delay a potential award of grant funds. Applicants are strongly encouraged to investigate whether their project may require a discretionary approval (such as a permit) and to identify the appropriate local lead agency early on. If the Energy Commission is the only agency with discretionary approval over the proposed project (e.g. the local permitting agency does not consider the proposed activities a “project”), then the Energy Commission will act as the Lead

Agency and will work with the applicant (after the release of the Notice of Proposed Award(s) (NOPA)) to ensure CEQA compliance.

To encourage “CEQA-ready” projects, the Energy Commission is conducting scoring and proposing awards in two rounds. The first round of scoring will be for applications that commit to submitting CEQA documentation by May 1, 2012, as indicated on their application cover sheet, for all stations/systems within the application. The second round of scoring will be for applications that will submit CEQA documentation after May 1, 2012. Any passing but unfunded stations from the first round of scoring and any first-round stations that fails to timely submit CEQA documentation will be shifted to the second round of scoring and re-ranked with their original score. See Section 12 (Selection of Projects and Award Process) for details.

Additional information about CEQA can be found from the following online resources:

The California Natural Resources Agency provides CEQA information through their California Environmental Resources Evaluation System, http://ceres.ca.gov/ceqa. Interested persons can use the toolbar on the left-hand side of the screen to navigate the website.

The entity in charge of administering CEQA is the Governor's Office of Planning and Research (OPR), and they provide a very general overview of the CEQA process at their website, http://opr.ca.gov.

12. Selection of Projects and Award Process:

The following process will be utilized to select and award project(s) for funding:

1. All applications and each station/system in the application will be screened for compliance with the Application Requirements (section 15), Grounds for Rejection (section 17), the ARFVT Program Regulations (20 CCR 3103), and the Air Quality Guidelines for the Air Quality Improvement Program (13 CCR 2340-2345). Applications/stations/systems that do not meet these requirements will be rejected and will not proceed to the scoring process.
2. During technical scoring, the Energy Commission may ask applicants clarifying questions regarding their applications. Applicants will not be reimbursed for time spent answering clarifying questions.
3. A minimum score of 70 percent is required for the application/station/system to be eligible for funding.
4. A Scoring Committee will conduct a first round of scoring using the technical scoring criteria in Attachment B for applications passing the administrative screening that indicated on their application cover sheet that they will submit CEQA documents *for all stations/systems in the application* by May 1, 2012. Each station/system within the application will receive an individual score.

5. The Energy Commission will propose a first round of awards, starting with the highest ranked station/system and the Energy Commission's decision on proposed funding levels, in a first Notice of Proposed Awards (NOPA)
6. The Energy Commission reserves the right to negotiate with applicants to modify the project scope, the level of funding, or both.
7. If the Energy Commission is unable to successfully negotiate and execute a funding agreement with an applicant, the Energy Commission, at its sole discretion, reserves the right to cancel the pending award and shift funds to the second round of proposed awards.
8. The Grant Agreement will be scheduled and heard at an Energy Commission Business Meeting for approval.
9. Public agencies that receive funding under this solicitation must provide an authorizing resolution approved by their governing authority to enter into an Agreement with the Energy Commission and designating an authorized representative to sign.
10. The Energy Commission will send the approved Grant Agreement, including the general Grant Terms and Conditions and any additional terms and conditions, to the grant recipient for review, approval, and signature.
11. Once the grant recipient signs, the Energy Commission will fully execute the Grant Agreement. Recipients are approved to begin the project only after full execution of the Grant Agreement.
12. After funds from the first round of scoring are awarded, the Scoring Committee will conduct a second round of scoring using the technical scoring criteria in Attachment B for applications passing the administrative screening that have indicated that they will submit CEQA documents after May 1, 2012. Each station/system within the application will receive an individual score.
13. Passing but unfunded stations/systems from the first NOPA, and any stations/systems from the first NOPA that fail to timely submit CEQA documents, will be moved to the second NOPA and ranked with their original score against stations/systems scored in the second round.
14. The Energy Commission will propose a second round of awards, starting with the highest ranked station/system and the Energy Commission's decision on proposed funding levels, in a second NOPA.
15. Unsuccessful applicants may request a debriefing after the release of the second NOPA. A request for debriefing must be received no later than 30 days after the second NOPA is released.
16. If the Energy Commission is unable to successfully negotiate and execute a funding agreement with an applicant, the Energy Commission, at its sole discretion, reserves the right to cancel the pending award and fund the next highest ranked eligible station/system from the second NOPA.

13. Schedule of Application and Award Process:

Event	Date
Release of Solicitation	February 9, 2012
Workshop	February 22, 2012
Deadline to Submit Questions	February 22, 2012 no later than 3:00 pm
Posting of Questions & Answers from Workshop (estimated)	February 27, 2012
Deadline to Submit Applications	March 15, 2012, no later than 3pm
Post Notice of Proposed Awards (estimated)	May 2012
Approval of Awards at Energy Commission Business Meeting (estimated)	June 2012
Project completion no later than	October 30, 2014

14. Application Workshop:

An application workshop will be held at the California Energy Commission to discuss the solicitation and answer questions. Prospective applicants may participate in person or remotely by WebEx or conference call. Participation by prospective applicants is optional.

Please refer to the Energy Commission's website at: http://www.energy.ca.gov/contracts/index.html to confirm the date and time.

February 22, 2012
9 a.m.
California Energy Commission
Hearing Room B, First Floor
1516 Ninth Street
Sacramento, California 95814

Presentations and audio from the meeting will be broadcast via our WebEx web conferencing system. To join the WebEx, the Energy Commission's on-line meeting service, please use the following instructions:

Computer Logon with a Direct Phone Number:

1. Please go to https://energy.webex.com and enter the unique meeting number 922 115 120.
2. When prompted, enter your information and the following meeting password **Meeting@9**.
3. After you login, a prompt will appear on-screen for you to provide your phone number. In the Number box, type your area code and phone number and click OK to receive a call back on your phone for the audio of the meeting.

International callers can use the "Country/Region" button to help make their connection.

Computer Logon for Callers with an Extension Phone Number, etc.:

1. Please go to https://energy.webex.com and enter the unique meeting number 922 115 120**.**
2. When prompted, enter your information and the following meeting password **Meeting@9**.
3. After you login, a prompt will ask for your phone number. CLICK CANCEL.
4. Instead call 1-866-469-3239 (toll-free in the U.S. and Canada). When prompted, enter the meeting number above and your unique Attendee ID number which is listed in the top left area of your screen after you login. International callers can dial in using the "Show all global call-in numbers" link (also in the top left area).

Telephone Only (No Computer Access):

1. Call 1-866-469-3239 (toll-free in the U.S. and Canada) and when prompted enter the unique meeting number above. International callers can select their number from https://energy.webex.com/energy/globalcallin.php.
2. If you have difficulty joining the meeting, please call the WebEx Technical Support number at 1-866-229-3239. Please be aware that the meeting's WebEx audio and on screen activity may be recorded.

Conference Call:

To participate in the meeting by phone, please call (866) 469-3239 by 9:00 a.m. Passcode: 922 115 120. Call Leader: Jonah Margolis.

15. Application Requirements:

All applicants must provide hard copies of one (1) original and three (3) copies of the application and a CD, DVD, or flash drive containing all of the documents related to the application in editable form. The original must be signed by an authorized representative of the applicant’s organization.

Applicants may submit multiple applications. Each application may contain multiple stations/fill systems. Each station in an application needs to be clearly delineated and adhere to all requirements contained in this solicitation. The Energy Commission reserves the right to fund only part of applications with multiple proposed fueling stations (for example, only the station(s) in an application that receive the highest scores). Each proposed station must have a separate budget (see Attachment G).

All applications must contain the following information:

A. Cover page:

The application must include an original Cover Page (see Attachment A) signed by an authorized representative of the applicant's organization.

B. Executive Summary:

The Executive Summary must include a project description, project objectives, and quantitative and measurable goals to be achieved. The maximum length of the Executive Summary is two (2) pages.

C. Project Narrative:

The Project Narrative must include a detailed description of the proposed project, including the entity that will own and operate the proposed project, operational goals and objectives of the proposed project, and an explanation of how the proposed project:

1. Complements, and does not interfere with, efforts to achieve and maintain federal and state ambient air quality standards and to reduce toxic air contaminant emissions; and maintains or improves upon emission reductions and air quality benefits in the State Implementation Plan for Ozone, California Phase 2 Reformulated Gasoline standards, and diesel fuel regulations. These requirements are described in the *Air Quality Guidelines for the Air Quality Improvement Program and the Alternative and Renewable Fuel and Vehicle Technology Program* that can be found at http://www.arb.ca.gov/regact/2008/aqipfuels08/oalfinreg.pdf.

2. Complies with the prohibition against funding projects that are required to be undertaken by state or federal law, district rules or regulations, memoranda of understanding with a governmental entity, or legally binding agreements or documents. This prohibition is described in section 3103 of the *Regulations for the Alternative and Renewable Fuel and Vehicle Technology Program* that can be found at: *http://www.energy.ca.gov/2008publications/CEC-600-2008-013/CEC-600-2008-013-F.PDF.*

3. Addresses each of the screening and scoring criteria described in Attachment B. Provide sufficient detail so that reviewers will be able to evaluate the application against each of the screening and scoring criteria.

4. Includes a plan to collect and report data on the project's performance with respect to operational goals and objectives for a period of one year after the station(s) are operational. Data must include the number of fueling events per day, the kg of hydrogen dispensed per fueling event, and the percent of renewable hydrogen dispensed.

5. Highlights of previous work and innovative features related to the proposed project.

6. Includes details on collaborations and coordination related to the proposed project that took place in recent years, such as ongoing communication with experts from various hydrogen stakeholders and organizations, or continuing meetings to discuss hydrogen infrastructure development to aid in project design and placement of stations.

7. Any other significant factors to enhance the value of the application.

D. Additional Supporting Documentation

1. Letters of commitment from each key partner demonstrating its willingness and capacity to carry out the responsibilities described in the application.
2. Letter(s) of support from at least one OEM for each proposed fueling station, fill system, or dispensing installation. The letter(s) shall provide:

    (1) Approval of the station location,

    (2) A description of the suitability of each fueling station location proposed to serve the widest possible existing and future FCV populations, based on current and projected FCV and HICEV deployment and throughput analysis,

    (3) An estimate of the resulting fuel demand/throughput, and how the estimate of hydrogen throughput is calculated.

    (4) A proposed retail remuneration method to charge users in the event that new rules and dispenser certification for dispensing and selling hydrogen fuel are not yet in place. This remuneration method must be consistent with that proposed by the applicant. See Attachment B, Scoring Criteria, for more detail.

3. Plot plan(s) for each proposed station, fill system, and/or dispenser.
4. A list of all equipment proposed for the fueling station(s) and proof of their certification if applicable.
5. Information about the value and ownership of the land where the station(s)/system(s) will be built.
6. A safety plan.
7. Station operator indemnification/insurance information.
8. Cost information and documentation of how operation and maintenance of the station(s) will be funded for a minimum of the first three years of operation.

E. Scope of Work and Schedule

All work must be scheduled for completion by October 30, 2014, including one year of data collection and reporting.

Applicants must include a completed Scope of Work and Schedule of Products following the formats contained in Attachments D and E, respectively. Instructions for completing the Scope of Work are included in Attachment C. Electronic files for the Scope of Work must be in Word format. Electronic files for the Schedule of Products must be in Excel format.

F. Project Team

Applicants must identify, by name, all key personnel assigned to the project, including the project manager, and clearly describe their individual areas of responsibility. The project manager is the one individual responsible for interacting with the Energy Commission Agreement Manager on issues relating to the overall project and coordinating all aspects of work under the project.

For each individual (including subcontractors) who will be working on the project, include company, position title, job description, contact information, and a resume. Resumes of each project team member (including subcontractors and key partners) should emphasize specific hydrogen compression, storage, and dispensing experience and other relevant technical and business experience. Each resume shall not exceed two (2) page(s).

Provide a list of each individual's past projects detailing relevant technical and business experience.

G. Budget

Applicants must complete and include the Budget forms contained in Attachment G for each proposed station. Electronic files for the Budget must be in Excel format.

When preparing the Budget, refer to Sections 8 and 9 of this Solicitation for information and instructions regarding applicant's required Match Share. Applicants should also budget for permits, licenses, etc., and limit the funding source to match funds.

All project expenditures (reimbursable) must be expended within the term of the Grant Agreement.

The Budget must allow for the expenses of a Kick-off meeting, at least one Critical Project Review meeting, and a Final meeting. It is anticipated that meetings will be conducted at the Energy Commission located in Sacramento, CA. Administrative travel costs should be prorated across station budgets.

The Budget should allow for the preparation and submission of monthly progress reports (2-4 pages each) during the term of the Grant Agreement, and a Final Report. Instructions for the Final Report will be provided to successful applicants. For budgeting purposes please refer to the PIER Guidelines which can be found at: http://www.energy.ca.gov/contracts/pier/contractors/index.html. Administrative reporting and invoicing costs should be prorated across station budgets.

The purchase of equipment (items with a unit cost greater than $5,000 and a useful life of greater than one year) with Energy Commission Cost Share funds will require disposition of purchased equipment at the end of the project. Typically, Grant Recipients may continue to utilize equipment purchased with Energy Commission funds as long as the use is consistent with the intent of the original Grant Agreement. *There are no disposition requirements for equipment purchased with match share funding.*

The Budget must reflect estimates for **actual** costs to be incurred during the approved term of the project. The Energy Commission can only approve and reimburse for actual costs that are properly documented in accordance with the Grant Terms and Conditions.

The Budget must be limited to the construction and installation of the station. Operation and maintenance are not currently eligible for funding under this solicitation, but may be addressed in a future amendment.

The Budget must **NOT** include any profit from the proposed project, either as a reimbursed item or as match share. Please review the Grant Terms and Conditions for additional restrictions and requirements.

H. CEQA Documentation

Applicants must complete and submit Attachment L. This worksheet will help applicants to determine CEQA compliance obligations by identifying which parts of the project may trigger the need for CEQA compliance.

Attachment L requires the applicant to identify the location of the station(s), fill system(s), or dispensing unit(s), the permits necessary for the project, potential or actual impacts the project may have on the surrounding environment, the lead agency for the project, the schedule for permitting and CEQA compliance, and any relevant documentation that has been or will be prepared for the project.

Applicants must also provide with their application documentation of contact with the lead agency for purposes of complying with CEQA, such as a letter from the lead agency or a CEQA application to the lead agency that is stamped as received.

I. Local Health Impacts Information:

Applicants must complete Attachment F in order for the Energy Commission to comply with the Air Quality Guidelines (California Code of Regulations, Title 13, Chapter 8.1, Section 2343(c)(6)(A)). This information helps to ensure that the Energy Commission does not support projects that result in disproportionate health impacts in communities with low-income or minority populations, and to analyze the aggregate impacts of these projects in communities with the most significant exposure to air contaminants or localized air contaminants.

16. Application Format:

Applications should adhere to the following format.

A. Limit the Project Narrative to a maximum of 20 pages total. Resumes and other supporting documentation may be included as appendices.

B. Use a standard 12-point font and 1-inch or larger page margins and number the pages.

C. The original should be bound only with a binder clip. The additional three (3) copies should be bound only with a staple in the upper left corner. No covers or other types of bindings are allowed**.**

D. The electronic version of the Scope of Work must be in Word format, and the Schedule of Products and Budget must be in Excel format. All documents related to the application must be in editable (not PDF) form.

17. Confidential Information:

No confidential information will be accepted either through the application process or through the implementation of the grant award. Applications containing or proposing to deliver confidential information will be returned without consideration.

The entire evaluation process from receipt of applications until the posting of the Notice of Proposed Award is confidential. However, applications and all submittals will become public records after the Energy Commission completes the evaluation and/or scoring process and the Notice of Proposed Awards is posted, or this solicitation is cancelled.

18. Application Submission Requirements:

One (1) original and three (3) copies of the application and a CD, DVD, or flash drive containing all of the documents related to the application **must be received**

no later than the date and time shown in the Schedule. Applications may be mailed or hand-delivered to:

California Energy Commission
Grants and Loans Office
Attn.: Hydrogen Fuel Infrastructure PON-11-609
1516 Ninth Street, MS-18
Sacramento, CA 95814

Postmark dates of mailing, electronic mail (E-mail), and facsimile (Fax) transmissions are not acceptable in whole or in part under any circumstances.

Note: For all hand-delivered applications, Grants & Loans will issue a receipt for proof of on-time delivery. The clock at the Security Desk at the Energy Commission building entrance will be used for all last minute deliveries. Twenty (20) minutes prior to the deadline, a representative from the Grants and Loans Office will be at the Security Desk to accept on-time deliveries.

19. Grounds for Rejection:

Applications will be rejected and not considered for funding if:

- The application is not received by the Energy Commission's Grants and Loans Office by the specified due date and time.
- The Cover Page is not signed by the applicant's authorized representative.
- The project is not an eligible project as described in Section 6 of this solicitation.
- The applicant is not an eligible applicant as described in Section 7 of this solicitation.
- The required Match Share is not included in the Budget.
- The application contains confidential information.

Applications may be rejected and not considered for funding if:

- Project partners are not identified or the application omits documentation confirming project partner participation (if applicable).
- Any application requirements are missing or incomplete.

20. Cancellation or Amendment of the Solicitation:

It is the policy of the Energy Commission not to solicit applications unless there is a bona fide intention to award grant funds. However, the Energy Commission reserves the right to do any of the following:

- Cancel this solicitation;

- Revise the amount of funds available under this solicitation;
- Amend or revise this solicitation as needed; or
- Reject any or all applications received in response to this solicitation.

21. Questions:

Questions about this solicitation may be submitted in writing or via e-mail to:

California Energy Commission
Grants and Loans Office
Attn: Hydrogen Fuel Infrastructure PON-11-609
1516 Ninth Street, MS-18
Sacramento, CA 95814
cpresley@energy.ca.gov

Questions submitted to the Energy Commission at the application workshop, or in writing or via email prior to the deadline specified in Section 13 of this solicitation, will be answered and posted on the Energy Commission's website at http://www.energy.ca.gov/contracts as part of this solicitation package. The person and organization submitting a question will not be identified.

22. Attachments:

A. Grant Application Cover Page
B. Scoring Criteria
C. Instructions for the Scope of Work
D. Scope of Work Template
E. Schedule of Products and Due Dates
F. Local Health Impacts Information
G. Budget Forms and Instructions
H. Prevailing Wage Special Condition Template
I. Prevailing Wage Compliance Certificate Form
J. Prevailing Wage Compliance Questions and Answers
K. Terms and Conditions with Payment Request Form
L. California Environmental Quality Act (CEQA) Compliance Form
M. Invoicing instructions
N. Performance Incentives Special Condition Template

ATTACHMENT A

Grant Application Cover Page

The Grant Application Cover Page is posted as a separate Microsoft Word document. Please follow the format provided. The template can be accessed at www.energy.ca.gov/contracts as part of this solicitation package.

ATTACHMENT B
Screening/Scoring Criteria

PON -11-609 is a competitive solicitation. The Energy Commission will evaluate each application and each station/system in the application based on the criteria below. It is important that applicants provide sufficient detail to properly evaluate the application and each station/system. Respond directly to each criterion and use the criterion title as the heading for each response.

SCREENING CRITERIA (PASS/FAIL)

All applications will be screened with the below Pass/Fail criteria. Applications that fail any of the Pass/Fail criteria below will not be further evaluated and will receive a score of "0".

1. The application is received by the Energy Commission's Grants and Loans Office by the specified due date and time.
2. Proposed project is an eligible project (Application Manual, Section 6).
3. Applicant is an eligible applicant (Application Manual, Section 7).
4. The Cover Page is signed by the Applicant's authorized representative.
5. The required minimum percent non-state match funding is budgeted.
6. The application does not contain confidential information.

SCORING CRITERIA

The scoring evaluation will be conducted in two rounds. In the first round, applicants who indicated on their application cover sheet that they will have CEQA completed on or before May 1, 2012, *for all stations/systems in the application*, will be scored according to the criteria below. Stations/systems receiving a minimum of 70 percent will be eligible for funding and ranked in a first Notice of Proposed Awards.

After first-round projects are awarded funds, applicants who indicated in their application that they will have CEQA completed after May 1, 2012, will be scored according to the criteria below. Stations/systems receiving a minimum of 70 percent will be eligible for funding and ranked in a second Notice of Proposed Awards.

Passing stations/systems that are unfunded in the first round and any first-round stations/systems that fail to timely submit CEQA documentation will be shifted to the second round of scoring and ranked with their original score against projects scored in the second round.

The Energy Commission Scoring Committee will give a score to each station/system in the application for each criterion using the table below. Criteria that apply to all stations

(such as Market Transformation) should only be addressed once while station-specific criteria should be addressed for each station. The percent of possible points will be applied to the maximum points available for each criterion. The resulting scores for each criterion will be summed and divided by the total available points to obtain an overall percentage for each station/system. A minimum of 70 percent is required for a station/system to be eligible for funding.

% of Possible Points	Interpretation	Explanation for Percentage Points
0%	Not Responsive	Response does not include or fails to address the requirements being scored. The omission(s), flaw(s), or defect(s) are significant and unacceptable.
25%	Minimally Responsive	Response minimally addresses the requirements being scored. The omission(s), flaw(s), or defect(s) are significant and unacceptable.
50%	Inadequate	Response addresses the requirements being scored, but there are one or more omissions, flaws, or defects or the requirements are addressed in such a limited way that it results in a low degree of confidence in the proposed solution.
70%	Adequate	Response adequately addresses the requirements being scored. Any omission(s), flaw(s), or defect(s) are inconsequential and acceptable.
80%	Good	Response fully addresses the requirements being scored with a good degree of confidence in the applicant's response. No identified omission(s), flaw(s), or defect(s). Any identified weaknesses are minimal, inconsequential, and acceptable.
90%	Excellent	Response fully addresses the requirements being scored with a high degree of confidence in the applicant's response or proposed solution. Applicant offers one or more enhancing features, methods or approaches exceeding basic expectations.
100%	Exceptional	All requirements are addressed with the highest degree of confidence in the applicant's response or proposed solution. The response exceeds the requirements in providing multiple enhancing features, a creative approach, or an exceptional solution.

1. Qualifications of the Applicant/Project Team Maximum Points 40

Describe the applicant and project team and why they are well suited to successfully complete the proposed project. Explain the functions the applicant and each team member will perform, their qualifications and related technical and business experience, and the match of skills and capabilities to each task. Describe how the work effort will be coordinated, how quality control will be implemented and how schedules will be met by the applicant. Describe applicant's significant experience constructing and operating hydrogen fueling stations. Project teams with more experience/qualifications will be scored higher.

2. Market Transformation Maximum Points 10

Describe how the proposed project will provide a measurable transition from a dependence on petroleum fuels to a hydrogen fuels market. Discuss how the proposed project will drive new technology advancement and promote the deployment of that technology in the marketplace and how the technology will be an important component of the transportation market in 2020 and 2050. Projects which provide the greatest benefit will be scored higher.

Describe how the proposed project is consistent with California's existing and proposed climate change policies, including the Low Carbon Fuel Standard. These policies can be found at:
http://www.climatechange.ca.gov/publications/legislation.html
http://www.arb.ca.gov/fuels/lcfs/lcfs.htm

Describe how the proposed project supplements efforts to achieve and maintain federal and state ambient air quality standards and to reduce toxic air contaminant emissions. See the Air Quality Guidelines for the Air Quality Improvement Program and the Alternative and Renewable Fuel and Vehicle Technology Program at http://www.arb.ca.gov/regact/2008/aqipfuels08/oalfinreg.pdf. Projects with greater impacts in achieving better air quality may receive higher scores.

3. Market Viability Maximum Points 20

Discuss the market population that would be affected by the proposed station including, as applicable, existing users, existing competition, use throughput, geographical need, and anticipated future demand. For each fueling station, describe the suitability of each proposed location and estimate the fuel demand/throughput (including how that throughput is calculated). Projects which have a greater effect on the market will be scored higher.

Discuss the technical and economic feasibility of the proposed station and the steps needed to develop, demonstrate, commercialize, and/or deploy the technology in the marketplace. Discuss the capital costs, input and production costs, end-use markets, anticipated revenues, and other relevant factors and how the proposed station will establish the technology as a cost-competitive option.

Describe the expected price/cost of hydrogen fuel per kg at the station for the duration of the grant agreement including amortization of the capital cost expense and what type of pricing scheme for hydrogen fuel is planned to be applied. A higher score may be achieved by stations with a lower price/cost for dispensed hydrogen fuel.

As no hydrogen dispensing equipment is currently approved for commercial use in California by the Department of Food and Agriculture, Division of Measurement Standards (DMS), hydrogen cannot be sold on the basis of weight, measure, or count. Describe in detail a proposed retail remuneration method to charge users at the station in the event that new rules and dispenser certification for dispensing and selling hydrogen fuel are not yet in place. This issue must be addressed and agreed upon with the OEM(s) in their letter(s) of support for each station proposed.

Describe the business plans of each station's operation for three to five years after the close-out of the grant agreement. For example, what is the potential for upgrades, possibilities for commercial distribution, increases in capacity, and improvement of access, etc.?

4. Project Implementation Maximum Points 30

Describe how the proposed project will be completed in an effective and efficient manner. Clearly and logically discuss the schedule, sequence of tasks, and appropriate objectives of the proposed project. If applicable, describe how the proposed project will use existing or planned fueling infrastructure to maximize the outcome.

Discuss all financing and contractual relationships needed to complete and operate the proposed project and their current status.

Describe the content and plan to implement the one year data collection requirement upon completion of the proposed project.

5. Project Readiness Maximum Points 30

Identify the location of each station, dispenser, or fill system and if it will be located at an existing facility for which this proposed use is permitted under the existing zoning classification. Projects at existing facilities may be scored higher.

Describe all other permitting that may be required for the project and the schedule for obtaining the necessary permits.

Provide CEQA documentation (e.g., Notice of Exemption, Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report) if CEQA approval is completed for the project. If CEQA is not completed, provide a copy of the CEQA application and schedule for CEQA approval. Provide documentation from the local lead agency that they are the authority having jurisdiction for the project or that discussions have occurred regarding the appropriate level of CEQA review (if any) that may be required for the project. Projects that are further ahead in obtaining CEQA documentation may be scored higher.

Provide documentation of commitment or letters of interest from fleet owners/managers in purchasing and/or distributing the hydrogen from the station. Projects that provide documentation of a greater commitment to purchase hydrogen fuel from the station may be scored higher.

Provide documentation of intent to obtain/purchase the hydrogen fuel for the station.

6. Project Budget Maximum Points 60

Describe how the budget will be cost-effective in completing the proposed station(s)/system(s). Explain why state funds are needed for the proposed station/system to go forward and if the funding request is consistent with the expected level of public and private benefits that will accrue if the proposed station/system is successful. Stations which are more cost-effective will be scored higher.

Describe the amount of non-state Match Funds (cash or cash and in-kind) and provide verification and documentation of the source and availability. Provide details (name and business location, type of entity, amount of funding etc.) for each funding partner. Stations that provide a higher match share may be scored higher.

Describe and quantify the cost effectiveness of the proposed station for reducing greenhouse gas emissions and petroleum use, and document any assumptions used.

Provide a cash-flow projection of the business over the duration of the Energy Commission-funded project.

Ten points of the 60 points available for this scoring criterion will be determined by average loaded hourly rates (ALR) for each station/system. ALR will be calculated by using the information that the applicant provides in form B-6 (Loaded Rate Calculation) in Attachment G for each station/system. Therefore, the ALR will be weighted as 5% of the overall score.

Proposals will be scored as follows:

- ALR $0-50.00 - 10 Points
- ALR $50.1-100 - 5 Points
- ALR $100.1+ - 0 Points

7. Economic Benefits Maximum Points 10

Describe macro- and micro-economic benefits of the proposed station. Stations which provide a greater economic benefit will be scored higher.

Describe how the proposed station will expand business opportunities for or lead to the creation of California-based technology firms, jobs, and businesses. Quantify the direct and indirect California jobs that will be created and retained by the station. Identify what type of jobs will be created and retained by the proposed station and if those jobs are permanent or temporary. Stations which create a greater number of jobs will be scored higher.

Describe local and state taxes that will be generated by the proposed station.

Provide an estimate of the economic benefits to California suppliers, product distributors, and other supply-side businesses supporting the station. Provide a list of California-based suppliers supporting the station. Stationswhich provide a greater economic benefit to California will be scored higher.

Provide data in the station area for unemployment and location of economically distressed areas. Indicate if the station is located in a national or state economically enhanced area (i.e. enterprise zone, enhanced manufacturing area). Stations which benefit economically distressed areas will be scored higher.

ATTACHMENT C

INSTRUCTIONS FOR THE SCOPE OF WORK

The Scope of Work Template contains the framework to use to complete the Scope of Work. The Template has instructions in blue type within < > that are to be deleted as it is filled out. The following are additional instructions for the items in the Scope of Work. At the end of these instructions, there are examples of Technical Tasks to provide guidance in drafting your own.

I. Technical Task List

Insert the Task numbers and Task names for the project. Put an "X" in the CPR column next to the Tasks that contain a Critical Project Review. Add additional rows as necessary.

II. Key Name List

List key parties within the agreement as described below. See Terms and Conditions for more information regarding key parties within the agreement.

Key Personnel are employees or consultants who are critical to the outcome of the project and are being paid with Energy Commission funds. Key Personnel have expertise in the project field or experience that is not available from another source. Replacing these individuals may be difficult due to their expertise and may affect the outcome of the project. Since key personnel can come from various organizations working on the agreement, they should be written as follows to avoid confusion: "John Smith – Acme Company"

Key Subcontractors are contractors, subcontractors, or vendors who are critical to the outcome of the project and are being paid with Energy Commission funds. Key Subcontractors have expertise in the project field or experience that is not available from another source. Replacing these individuals may be difficult due to their expertise and may affect the outcome of the project.

Key Partners are participants in the Project who are not receiving Energy Commission funds and are not providing Match Funds but are integral to the outcome of the Project. Key Partners may be providing space, testing facilities, demonstration sites or may be a manufacturer or other implementer of the Project results. Individual key employees from the Key Partner organizations are listed under "Key Personnel." "Key Partners" are company names.

III. Glossary

Spell out each acronym used in the Scope of Work. Also include definitions of odd or unusual terms. Think about the document from the perspective of someone who does not work in the particular industry or discipline.

IV. Problem Statement

Describe the problem that this research will address in one to two paragraphs maximum.

Identify and discuss the principal barriers, key unresolved issues, and knowledge gaps that hinder the development and widespread use of the resource or the products of the proposed project in California. Barriers may be grouped under the following categories, or other categories that the applicant deems appropriate:

- Scientific and technological – such as insufficient scientific understanding of relevant phenomena and processes, inadequate data acquisition technologies, low reliability, low power density, low energy density, lack of detailed engineering designs and design trade-off analyses, inadequate component development, high cost of fabrication techniques, insufficient field testing, or insufficient field demonstrations.

- Market – such as inadequate consumer knowledge or limited system supply and maintenance infrastructure.

- Institutional – such as regulatory hurdles (e.g., atmospheric emission limitations) or lack of adopted standards.

- Environmental – such as H_2S emissions, excessive noise, or ground water contamination.

Explain why these barriers have not been addressed by the marketplace or by other institutions.

Explain why the barriers should be addressed at this time. In other words, place the proposed work into the context of the spectrum of barriers to widespread deployment and adoption.

V. Goal of the Agreement

At the beginning of this section, complete the following sentence. Please be succinct.

The goal of this project is to … *<Complete the sentence with a brief description of the general goal(s) of the project and how the goal(s) will be met. Goals can be technical, economic or social. Please be brief, two to three sentences maximum.>*

VI. Objectives of the Agreement

The objectives of this project are to … *<Complete this sentence with the objectives, which are things that will be measurable or knowable at the end of **this** project.>*

If the improvements that your project will make are not amenable to measurement, surrogate performance metrics that can be measured must be given. Describe the

methodology or procedure that will be used at the completion of the project to determine if the performance metrics have been achieved.

List and describe technical or economic objectives, or desired conditions outside the project itself that will result from the success of the project.

VII. Task 1.0 Administration

The administrative tasks must be included in every agreement and the language does not change. Do NOT change anything in the administrative tasks.

VIII. Technical Tasks (Tasks 2 and up)

This is the area in the Scope of Work where the technical work to be performed under the Grant Agreement is set forth. The work effort should be divided into a series of logical, discrete and sequential tasks. Each task has the following components:

- **Task Name**
- **The goal of this task is to ...**
- **The Recipient shall:**
- **Products**

A. The Goal

The goal of this task is to ... ***<Complete the sentence with a brief description of the goal(s). Please be brief, two to three sentences maximum.>***

B. The Recipient shall …

List each individual **activity** with a separate bullet if there are more than two individual activities and begin each bullet with a verb to complete the sentence beginning with "The Recipient shall." Organize activities in the order in which they will occur. Use this section to describe the essential elements of the process you will use to complete the project. The contents of each product shall also be described in this section.

For Example:

The Recipient shall:

- Prepare the X Test Plan. This plan shall include, but is not limited to ...
- Conduct research in accordance with the X Test Plan.
- Prepare the X Test Results Report. This report shall include, but is not limited to, the following ...

Please note that if a project is for demonstration, or if a project involves testing, one of the tasks should be Test Plan preparation. The Test Plan should include considerations such as the number of hours of operation, the type of monitoring

to be performed, and the manner in which data will be validated, analyzed, and reported.

C. Products:

Product(s):

- *<Insert 1st product (name only)>*
- *<Insert 2nd product (name only)>*

Only the names of each product shall appear in the "Products" section. Use exactly the same name to identify a product (report, data set, project plan, etc.) in the activity and in the list of products.

Products incorporate the knowledge and understanding gained by performing the activities, and are submitted to the Energy Commission for review, comment and approval. Products are tangible items such as written reports, workshop agendas and summaries, description and photographs of equipment/product developed, summaries of advisory group meetings, computer software with written instructions for data input and use of the software, if intended for public or Energy Commission use, and production prototypes. The summaries of the Products should be sufficiently detailed to be of use to stakeholders and other researchers. The level of detail should be sufficient for an observer to assess whether the project objectives and goals have been successfully met.

IX. Examples of Different Types of Technical Products ***(These are examples, which you may modify for use in your project. You may create other products as needed, but please adhere to the patterns shown.)***

1. Written Notification

- Provide a Written Notification regarding _____, to the Commission Project Manager. *(Give it a unique name based on the content and the project.)* The letter shall include but is not limited to written documentation that the _____ is ready for *(testing, viewing, submission for certification, etc.*) and the date such (*testing, viewing, submission for certification, etc.)* shall begin, and shall include photographs.

Product: Written Notification regarding _____

2. Test Plans

- Prepare the _____Test Plan. *(Give it a unique name, such as the Site A Test Plan. Test plans and testing procedures should be described in detail including factors such as*

instrumentation, data collection, data analysis, statistical analyses, and performance curves. Test results shall include relationships among performance, efficiency, emissions, temperature, pressure and all other parameters that qualify and quantify the subject technology.) The Test Plan shall include, but is not limited to:

- a description of the process to be tested;
- the rationale for why the tests are required;
- predicted performance based on calculations or other analyses;
- test objectives and technical approach;
- a test matrix showing the number of test conditions and replicated runs;
- a description of the facilities, equipment, instrumentation required to conduct the tests;
- a description of test procedures, including parameters to be controlled and how they will be controlled; parameters to be measured and instrumentation to measure them; calibration procedures to be used; recommended calibration interval; and maintenance of the test log;
- a description of the data analysis procedures;
- a description of quality assurance procedures;
- contingency measures to be considered if the test objectives are not met;
- *<add additional bullets specific to the project as needed>*.

Product(s):

- Draft _____ Test Plan
- Final _____ Test Plan

3. Interim Reports (*This applies to all product reports. Examples include task and subtask reports, test reports, data sets, databases and computer model development or application. Monthly reports and the final report are treated separately as shown in the Scope of Work.)*

- Prepare the_____ Report *(Give it a unique name, such as the ABC Test Report or 123 Database. If an interim report is based on earlier work in this project, then the titles should relate to each other. After the title insert a description of the product.)* This report shall include, but is not limited to, the following*: (List the elements of the report in separate bullets.)*

For example, if the Interim Report is a Test Report, use the following description:

The Test Report shall include, but is not limited to, the following:

- the Test Plan;
- test results;
- analysis;
- conclusions;
- recommendations;
- photographs as appropriate;
- *<add additional bullets specific to the project as needed>*.

For example, if the Interim Report is a Task or Subtask Report, use the following description:

The Task or Subtask Report shall include, but is not limited to, the following:

- the goal of the task or subtask;
- the description of the approach used;
- list of activities performed;
- description of the results and to what degree the goal was achieved;
- significant issues encountered and how they were addressed;
- a discussion of the implications regarding the success or failure of the results, and the effect on the budget and the overall objectives of the project;
- photographs as appropriate;
- *<add additional bullets specific to the project as needed>*.

Product(s):

- **Draft _____ Test (Task, Database, etc.) Report**
- Final _____ Test (Task, Database, etc.) Report

4. Bills of Materials or Equipment Lists

- Prepare a Bill of Materials (or Equipment List) for _____. *(Give it a unique name.).* This document shall include but is not limited to:
  - a description of each item;
  - test protocols and codes applicable to each item;
  - cost estimates or bids for each item.

Product: Bill of Materials (or Equipment List) for_____

ATTACHMENT D
Scope of Work Template

The Scope of Work Template is posted as a separate Microsoft Word document. Please follow the format provided. The template can be accessed at www.energy.ca.gov/contracts as part of this solicitation package.

ATTACHMENT E
Schedule of Products and Due Dates

The Schedule of Products and Due Dates Template is posted as a separate Microsoft Excel document. Please follow the format provided. The template can be accessed at www.energy.ca.gov/contracts as part of this solicitation package.

ATTACHMENT G
Budget Forms

The Budget Forms is posted as a separate Microsoft Excel document. Please follow the format provided. The template can be accessed at www.energy.ca.gov/contracts as part of this solicitation package.

ATTACHMENT H
Prevailing Wage Special Condition Template

PUBLIC WORKS AND PAYMENT OF PREVAILING WAGE

A. Recipient/General Requirements

1. Recipient shall comply with state prevailing wage law, Chapter 1 of Part 7 of Division 2 of the Labor Code, commencing with Section 1720 and Title 8, California Code of Regulations, Chapter 8, Subchapter 3, commencing with Section 16000, for any "public works" (as that term is defined in the statutes) performed on the Project funded by this Agreement. For purpose of compliance with prevailing wage law, the Recipient shall comply with provisions applicable to an awarding body. Compliance with state prevailing wage law includes without limitation: payment of at least prevailing wage as applicable; overtime and working hour requirements; apprenticeship obligations; payroll recordkeeping requirements; and other obligations as required by law.
2. Recipient shall certify to the Energy Commission on each Payment Request Form, that prevailing wages were paid to eligible workers who provided labor for work covered by the payment request and that the Recipient and all contractors complied with prevailing wage laws.
3. Prior to the release of any retained funds under this Agreement, the Recipient shall submit to the Energy Commission a certificate signed by the Recipient and all contractors performing public works activities stating that prevailing wages were paid as required by law. The required certificate follows these special conditions.

B. Flowdown Requirements

Recipient shall ensure that all agreements with its contractors to perform work related to this Project contain the following provisions:

1. Contractor shall comply with state prevailing wage law, Chapter 1 of Part 7 of Division 2 of the Labor Code, commencing with Section 1720; and Title 8, California Code of Regulations, Chapter 8, Subchapter 3, commencing with Section 16000, for all construction, alteration, demolition, installation, repair or maintenance work over $1,000 performed under the contract. Contractor's obligations under prevailing wage laws include without limitation: pay at least the applicable prevailing wage for public works activities performed on the Project; comply with overtime and working hour requirements; comply with apprenticeship obligations; comply with payroll recordkeeping requirements; and comply with other obligations as required by law.
2. Contractor shall ensure that the above requirements are included in all its contracts and any layer of subcontracts for activities for the Project.

ATTACHMENT I
Prevailing Wage Compliance Certificate

After the public works[2] activities funded by this Agreement are complete, Recipient must fill out and sign this certificate and obtain the signatures from all of its contractors and any layer of subcontractors involved in public works funded by this Agreement.

This certificate must be completed and submitted to the Energy Commission Project Manager prior to the release of the retained funds under this Agreement.

Recipient:

Energy Commission Agreement Number:

Date Public Works Completed:

Recipient hereby certifies as follows:

1. State prevailing wage law, Chapter 1 of Part 7 of Division 2 of the Labor Code, commencing with Section 1720 and Title 8, California Code of Regulations, Chapter 8, Subchapter 3, commencing with Section 16000, has been complied with for the "public works" (as that term is defined in the statutes) funded by this Agreement, including payment of at least prevailing wage as applicable; overtime and working hour requirements; apprenticeship obligations; payroll recordkeeping requirements; and other obligations as required by law.
2. All contracts and every layer of subcontracts involving public works funded by the above-referenced Agreement contained requirements that the contractor or subcontractor comply with prevailing wage law and pay prevailing wages in accordance with the requirements of the Labor Code.
3. The contractors and subcontractors have maintained labor records as required by the Labor Code and such records shall be made available upon request.
4. The undersigned Recipient acknowledges that disbursement of the retention by the California Energy Commission is expressly made in reliance upon the representations made in this certification.

[2] Public works is defined in Chapter 1 of Part 7 of Division 2 of the Labor Code, commencing with Section 1720.

Recipient:

Signature of Authorized Representative:_____

Printed/Typed Name:

Title:

Date:

Each contractor and subcontractor performing public works (e.g., construction, alteration, demolition, installation, repair or maintenance work) for the Project must sign below. Include additional pages if necessary.

Contractors and subcontractors hereby certify as follows:

1. The contract with the Recipient or the Recipient's contractor to perform work funded by the above-referenced Agreement contained requirements that the contractor and all its subcontractors comply with prevailing wage law and pay prevailing wages in accordance with the requirements of the Labor Code.
2. Prevailing wages have been paid as required by law.
3. Contractor and all its subcontractors have maintained labor records as required by the Labor Code and such records shall be made available upon request.
4. The undersigned acknowledges that disbursement of the retention by the California Energy Commission to the Recipient is expressly made in reliance upon the representations made in this certification.

Construction Contractor #1

Company Name:

Signature of Authorized Representative:_____

Printed/Typed Name:

Title:

Date:

Construction Contractor #2

Company Name:

Signature of Authorized Representative:_____

Printed/Typed Name:

Title:

Date:

Construction Contractor #3

Company Name:

Signature of Authorized Representative:_____

Printed/Typed Name:

Title:

Date:

Construction Contractor #4

Company Name:

Signature of Authorized Representative:_____

Printed/Typed Name:

Title:

Date:

Construction Contractor #5

Company Name:

Signature of Authorized Representative:_____

Printed/Typed Name:

Title:

Date:

Construction Contractor #6

Company Name:

Signature of Authorized Representative:_____

Printed/Typed Name:

Title:

Date:

ATTACHMENT J

Information on compliance with prevailing wage requirements under California law

Basic Provisions

- **What are prevailing wage requirements under California law?**

  California law requires payment of locally prevailing wages (including employer payments for employee benefits) to workers, laborers, and mechanics on state government contracts in excess of $1,000 for public works projects.[3] California prevailing wage requirements may also apply where a construction contract between private persons involves public works.[4]

  Contractors and subcontractors on covered projects must also comply with additional requirements, such as providing workers' compensation coverage, maintaining certified payroll records and making such records available for inspection, and complying with apprenticeship obligations.[5]

- **What constitutes a prevailing rate under California law?**

  Under California law, a "Prevailing Rate" is comprised of three components: (1) the basic hourly rate paid on public works projects to a majority of workers engaged in a particular craft, classification or type of work within the locality and in the nearest labor market area (if a majority of such workers are paid at a single rate);6 (2) the rate for holiday or overtime work, as specified in an applicable collective bargaining agreement, or otherwise included with the prevailing basic hourly rate; and, (3) the prevailing rate of employer payments for any or all programs or benefits for employees, their families and dependents, and retirees, as enumerated in prevailing wage regulations issued by the California Department of Industrial Relations (DIR).7

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[3] Cal. Labor Code §§ 1723 (defining the statutory term "worker" to include "laborer, worker, or mechanic"), 1771 (stating general prevailing wage requirements applicable to workers on qualifying public works projects). 8 C.C.R. § 16000 (defining general prevailing rate of per diem wages to include the prevailing rate of employer payments for employee benefits). Labor Code Sections may be found online at http://www.leginfo.ca.gov/calaw.html.

[4] Cal. Labor Code § 1720.2 (stating that "public works" is defined to include construction work done under a private contract where prescribed conditions exist). *See also* Cal. Labor Code § 1720(c).

[5] *See* 8 C.C.R. § 16100(c) (enumerating obligations for contractors and subcontractors under California prevailing wage law).

[6] 8 C.C.R. § 16000 (explaining alternative methods of calculating the basic hourly rate if there is no single rate being paid to a majority in a particular locality). *See also* Frequently Asked Questions – Prevailing Wage, Department of Industrial Relations, *available at* http://www.dir.ca.gov/dlsr/faq_prevailingwage.html.

[7] 8 C.C.R. § 16000. The full text of DIR's prevailing wage regulations can be found at: http://ccr.oal.ca.gov (Title 8, Division 1, Chapter 8, Subchapter 3).

- **What types of work are covered by California prevailing wage requirements?**

  The California Labor Code beginning at section 1720 deals with this issue. Labor Code sections 1720 and 1771 define public works as:[8]

  - Construction (includes work performed during the design and preconstruction phases of construction including but not limited to, inspection and land surveying work).
  - Alteration.
  - Demolition.
  - Installation.
  - Repair work.
  - Maintenance work.

  Below are some examples (this list is not exhaustive) of the types of activities that typically lead to finding that a project is a public work:

  - Cement work such as pouring a cement pad.
  - Site preparation such as grading.
  - Surveying.
  - Electrical work such as wiring.
  - Carpentry work.
  - Limited inspection activities.

Specific Job Categories

- **What kind of trades or workers must be paid prevailing wages under California law?**

  The California Department of Industrial Relations (DIR) Division of Labor Statistics and Research (DLSR) makes the final determination on which trades and/or workers are covered by prevailing wage laws. DLSR maintains a list of the covered trades/workers that are entitled to prevailing wage for public works commercial construction projects.[9]

  Generally, workers such as the following would be covered trades:

  - Operating engineer (heavy equipment operator)
  - Surveyor
  - Carpenter
  - Cement Mason
  - Electrician

[8] *See also* 8 C.C.R. § 16001.
[9] *See* www.dir.ca.gov/dlsr/statistics_research.html or call the DLSR Prevailing Wage Hotline (415) 703-4774 for more information about these trades.

- Laborer

The following types of workers usually would NOT be covered trades entitled to payment of prevailing wages:

- Engineer
- Project superintendent / construction manager / project manager
- Architect
- Planner
- Computer programmer

The above examples are for general information only. If you have questions about whether a worker is in a covered trade requiring payment of prevailing wages, you should check directly with DIR.

- **Are apprentices covered by prevailing wage requirements under California law?**

An apprentice is permitted to work on a project subject to California prevailing wage requirements at less than the prevailing rate prescribed for the trade she performs. However, persons may only be employed at the apprentice wage rate on projects involving public works in limited circumstances. More specifically, in order to be eligible the employment and training of each apprentice must be in accordance with either the apprenticeship standards and apprentice agreements under which she is training, or the rules and regulations of the California Apprenticeship Council.10

- **Are helpers covered by prevailing wage requirements under California law?**

Under DIR prevailing wage regulations, a helper is defined as any subjourneyman classification traditionally used to assist a journeyman.11 In the absence of a determination that the use of such a subclassification prevails in a particular area, the helper classification may not be used as a substitute for a journeyman or apprentice.12

Miscellaneous Issues

- **Do California prevailing wage requirements apply to a public agency that performs project work with its own employees?**

No. California prevailing wage requirements do not apply to work carried out by a public agency with its own employees.[13]

[10] Additional requirements that must be satisfied in order for persons employed in these classifications to be paid an apprentice wage rate on projects involving public works are found in California Labor Code Section 1775.5.
[11] 8 C.C.R. § 16000.
[12] 8 C.C.R. § 16200(a)(3)(H).

- **If my project is a public work, how do I know what prevailing wages are required in order to prepare a budget?**

  If your project is a public work, please submit your budget with the applicable prevailing wage for each trade entitled to prevailing wages as determined by DLSR. For prevailing wage rate information for commercial projects, see www.dir.ca.gov/dlsr/statistics_research.html or call the Prevailing Wage Hotline at (415) 703-4774. If your project involves residential construction, the rates are not listed on DIR's website, and you must call the DLSR Prevailing Wage Hotline.

- **How should I budget if I am unsure whether my project involves public works and requires the payment of prevailing wages?**

  You are encouraged to determine if your project involves public works as soon as possible. In order to determine if your project is a public work, you will need to contact DIR. They can be reached at (415) 703-4774. If you do not know whether your project is a public work and you have not obtained a determination from DIR that the project is not a public work, you must budget with the assumption that the project is a public work and comply with the prevailing wage laws, including but not limited to the payment of prevailing wages.

  On the budget, please indicate whether your budget includes amounts for the payment of prevailing wage. You must indicate "yes" unless you have received a determination from DIR that the project is not a public work.
  If you do not budget for prevailing wage, and it is later determined that the project involves public works and prevailing wage must be paid, you may be liable for damages and penalties.[14] You also cannot later increase your grant award if it is determined that prevailing wages apply and increase project costs higher than budgeted. The amount requested in your proposal is the maximum that will be paid. Any increased costs for payment of prevailing wage must be paid with match funds. The Energy Commission's grant award amount does not change or increase if the applicant's costs increase for any reason.

- **How do I get assistance in determining whether the project involves public works?**

  First, call the DLSR Prevailing Wage Hotline, (415) 703-4774. The Prevailing Wage Hotline can frequently give advice quickly on routine questions. If the Prevailing Wage Hotline is unable to answer your question, you will need to write to the Director of DIR for a coverage determination on whether your project involves public works. You would include all the relevant facts and documents related to the project. DIR regulations, Title 8 California Code of Regulations, section 16001(a)(1), provides that any interested party may file a request with the Director of DIR to determine coverage under the prevailing wage laws. The

[13] Cal. Labor Code § 1771.
[14] Cal. Labor Code § 1775.

request can be either for a specific project or type of work to be performed that the interested party believes may be subject to or excluded from coverage as public works under the Labor Code. Send requests for a coverage determination to:

Department of Industrial Relations
Office of the Director
455 Golden Gate Avenue
San Francisco CA 94102

- **How long will it take to get an answer?**

  Generally the question can be asked and answered informally and quickly through the Prevailing Wage Hotline. However, if you need to submit a request to the Director of DIR, it will take longer to get a coverage determination.

- **What happens if I make a request to DIR but do not have a decision or am still unsure whether prevailing wages must be paid by the time the Energy Commission makes an award at a business meeting, or by the time I execute the grant agreement?**

  In this case, the Energy Commission would execute a grant agreement with a budget that assumes prevailing wage is required. If the Recipient, prior to performing the activities in question, then receives a determination from DIR that the project is not a public work, then the Energy Commission can execute an amendment with the Recipient to decrease the budget accordingly. The prevailing wage terms and conditions can also be removed.

- **What if I submit a proposal to the Energy Commission with a project that I say is not a public work, and the Energy Commission believes that it might be a public work?**

  The Energy Commission would request that you first call the Prevailing Wage Hotline. If you do not receive an answer, the Commission would request that you write a letter to DIR and ask DIR to make the decision. If DIR says the project is a public work, then you will need to pay prevailing wages. If you do not obtain a DIR determination that the project is not a public work requiring the payment of prevailing wages, then you must assume that the project is a public work and comply with the prevailing wage laws, including paying prevailing wages.

- **What do I do if workers will be used who do not fit neatly into one of the categories on the DIR website?**

  Contact DLSR and describe the type of trade you anticipate will be required in your project and ask whether there is an existing prevailing wage already set by DLSR.

Additional Information on State Prevailing Wage

- Department of Industrial Relations (DIR) Public Works Manual, May 2009, *available at* http://www.dir.ca.gov/dlse/PWManualCombined.pdf.
- Public Works Determination No. 2003-029, *available at* http://www.dir.ca.gov/dlsr/coverage/year2005/2003-029.pdf.

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ATTACHMENT K

Terms and Conditions with Payment Request Form

The Terms and Conditions Sample is posted as a separate portable document file (pdf). The sample can be accessed at www.energy.ca.gov/contracts as part of this solicitation package. Please read this for a complete understanding of what is being offered.

ATTACHMENT L

California Environmental Quality Act (CEQA) Compliance Form

The CEQA Compliance form is posted as a separate Microsoft Word document. Please follow the format provided. The template can be accessed at www.energy.ca.gov/contracts as part of this solicitation package.

ATTACHMENT M
LABOR, FRINGE, AND INDIRECT

INVOICING INSTRUCTIONS
FOR COST REIMBURSEMENT AGREEMENTS

PURPOSE

For cost reimbursement Agreements, the Energy Commission reimburses Contractors for actual allowable expenditures incurred, not to exceed the rate caps specified in the Agreement budget. Since organizations typically calculate actual costs for fringe benefits and indirect cost categories on a yearly or quarterly basis, costs invoiced the Commission may be based on estimated costs until the actual yearly (or quarterly) costs are calculated. These instructions are to clarify procedures for invoicing for labor and indirect costs and reconciling estimated with actual costs, if necessary.

TERMS

"Agreement" refers to contracts, interagency agreements, grants, and contingent awards.

"Annual" calculations of rates represent the most common methodology. However, if your organization calculates actual rates on a quarterly basis or other time period, substitute that period for "annual" in these instructions.

"Base" is the direct costs to which the rate is applied. The base for fringe benefits is direct labor. The most common bases for indirect costs are direct labor (and may include fringe benefits) or modified total direct costs (excluding capital costs, pass-through funding, and unallowable costs.) Other bases are acceptable as long as the Contractor applies rates consistently and adheres to generally accepted accounting principles and the applicable OMB circulars or federal acquisition regulations.

"Contractor" refers to contractors, grant recipients, and contingent award recipients.

"Indirect overhead" and "general and administrative" are the most common categories of indirect costs included as budget categories. However, if your organization utilizes different categories, which are included in your Agreement budget, please substitute those categories for the indirect categories listed below. The procedures should remain the same.

NOTE REGARDING AGREEMENT RATES

If your Agreement budget includes direct labor, fringe, indirect overhead, and/or general and administrative (G&A) costs but does not specify rates, AND you submitted a proposal in response to a solicitation, use the rates in your proposal. Proposal rates are incorporated by reference into your Agreement. If (1) the Agreement does not specify

rates AND (2) the proposal does not specifies rates or the Agreement was not competitively bid, calculate the rates as a percentage of the base by using the totals in your Agreement budget.

- **Example:**

(In the example below, the fringe benefit Agreement rate is calculated as a percentage of the direct labor costs, i.e., the base, using the Agreement direct labor and fringe benefit budgets.)

Agreement Direct Labor Budget	Agreement Fringe Budget	Rate
$120,000	$30,000	25%

DIRECT LABOR

Labor shall be billed at the Agreement rate or actual rate, whichever is lower. The Agreement rate is a cap, or maximum amount allowed to be billed. The Contractor can only bill for actual expenses incurred for hours worked on the Agreement at the actual labor rates of the Contractor or Contractor's employees, not to exceed the Agreement rate cap. If the Agreement shows a salary range for an employee classification (i.e., Energy Analyst $30.00 - $35.00 per hour), the Contractor shall bill only for the actual salary of the specific Energy Analyst who worked on the project (even if the actual salary is less than the range), up to the maximum of the range in the budget (i.e., $35.00).

- **Example:**

Agreement Hourly Rate	Actual Hourly Rate	Billable Hourly Rate
$32.00	$35.00	$32.00
$32.00	$30.50	$30.50
$30.00 - $35.00	$34.25	$34.25

FRINGE BENEFITS

Fringe benefits shall be billed at the Agreement rate or actual rate, whichever is lower. The Agreement rate is a cap, or maximum amount allowed to be billed. The Contractor shall only bill for actual allowable fringe benefit expenses incurred for the Contractor's employees working on the Agreement, calculated as a percentage of labor rates, up to the Agreement fringe benefit rate cap.

- **Example:**

Agreement Fringe Rate	Actual Fringe Rate	Billable Fringe Rate
30%	35%	30%
30%	25%	25%

Annual Adjustments to Fringe Benefits:

Actual fringe benefit rates shall be calculated annually. Each year the Contractor shall adjust billed rates to reflect the actual annual calculations, not to exceed the Agreement fringe benefit rate cap. If necessary, an adjustment shall be made to the next invoice after the annual rates have been calculated for the difference between the billed and actual amount of fringe benefit costs, not to exceed the Agreement fringe benefit rate cap. The Contractor shall attach an Energy Commission Invoice Rate Adjustment form (attached) to the adjustment invoice.

At the end of the Agreement, actual rates shall be calculated for the period from the last adjustment through the final invoice. If the final adjustment period is a partial year, the Contractor shall use the prior year actual rates. An adjustment shall be made to the final invoice for any difference between the billed and actual amount of fringe benefit costs, not to exceed the Agreement fringe benefit rate cap. The Contractor shall attach an Energy Commission Invoice Rate Adjustment form to the final invoice. No adjustment for underbillings can be made after the final invoice is paid or if there are no funds remaining in the Agreement. If the Contractor has overbilled the Energy Commission, the Commission may reduce payment of the final invoice by the amount overbilled or bill the Contractor, at the Commission's sole discretion.

Contractor shall maintain documentation of rate calculations in accordance with the recordkeeping, cost accounting, and auditing provisions of the Agreement terms.

- **Example:**

(In the example below, the Contractor calculates the fringe benefit costs as a percentage of the direct labor costs.)

	Direct Labor	**Agreement Rate**	**Actual Rate**	**Billable Rate**	**Rate Billed**	**Adjustment**
Year 1	$10,000	30% ($3,000)	35% ($3,500)	30% ($3,000)	28% ($2,800)	2% (+$200)
Year 2	$12,000	30% ($3,600)	25% ($3,000)	25% ($3,000)	30% ($3,600)	-5% (-$600)
Year 3	$15,000	30% ($4,500)	40% ($6,000)	30% ($4,500)	30% ($4,500)	0% ($0)

INDIRECT OVERHEAD

Indirect overhead shall be billed at the Agreement rate or actual rate, whichever is lower. The rate in the Agreement is a cap, or maximum amount allowed to be billed. The Contractor shall only bill for actual allowable indirect expenses, calculated as a percentage of the base specified in the Agreement, up to the Agreement indirect rate cap.

- **Example:**

Agreement Indirect Rate	Actual Indirect Rate	Billable Rate
40%	45%	40%
40%	35%	35%

Annual Adjustments to Indirect Rates:

Actual indirect rates shall be calculated annually. Each year the Contractor shall adjust billed rates to reflect the actual annual calculations, not to exceed the Agreement indirect rate cap. If necessary, an adjustment shall be made to the next invoice after the annual rates have been calculated for the difference between the billed and actual amount of indirect costs, not to exceed the Agreement indirect rate cap. The Contractor shall attach an Energy Commission Invoice Rate Adjustment form to the adjustment invoice.

At the end of the Agreement, actual rates shall be calculated for the period from the last adjustment through the final invoice. If the final adjustment period is a partial year, the Contractor shall use the prior year actual rates. An adjustment shall be made to the final invoice for any difference between the billed and actual amount of indirect costs, not to exceed the Agreement indirect rate cap. The Contractor shall attach an Energy Commission Invoice Rate Adjustment form to the final invoice. No adjustment for underbillings can be made after the final invoice is paid or if there are no funds remaining in the Agreement. If the Contractor has overbilled the Energy Commission, the Commission may reduce payment of the final invoice by the amount overbilled or bill the Contractor, at the Commission's sole discretion.

Contractor shall maintain documentation of rate calculations in accordance with the recordkeeping, cost accounting, and auditing provisions of the Agreement terms.

- **Example:**

(In the example below, the Contractor calculates indirect on a modified direct cost base.)

	Modified Direct Costs	**Agreement Rate**	**Actual Rate**	**Billable Rate**	**Rate Billed**	**Adjustment**
Year 1	$100,000	40% ($40,000)	35% ($35,000)	35% ($35,000)	40% ($40,000)	-5% (-$5,000)
Year 2	$125,000	40% ($50,000)	42% ($52,500)	40% ($50,000)	35% ($43,750)	5% (+$6,250)
Year 3	$130,000	40% ($52,000)	32% ($41,600)	32% ($41,600)	35% ($45,500)	-3% (-$3,900)

GENERAL AND ADMINISTRATIVE (G&A)

If the Agreement budget separates G&A costs from indirect overhead, the Contractor shall bill G&A at the Agreement or actual rate for G&A, whichever is lower. The rules for billing are the same as those for indirect overhead described in the previous section.

LOADED RATES

Loaded rates are rates that include direct labor plus one or more of the following rate components in one hourly rate: fringe benefits, indirect overhead, G&A, and profit. Contractors can bill at loaded rates **only if the contract terms specifically allow for loaded rates** and if they meet the following conditions:

1. In order for fringe benefits, indirect overhead, G&A, or profit to be included in the loaded rate, the base for calculating that rate must include direct labor as one of the cost components.
2. The rates for the individual components of the billed loaded rate cannot exceed the Agreement caps or actual rates for direct labor, fringe benefits, indirect overhead, and G&A, whichever is lower.
3. The rates for the individual components of the billed loaded rate should be adjusted annually. See instructions above for each component of the loaded rate.

- **Example:**

Direct Labor Hourly Rate	**Agreement Fringe Rate 25%**	**Actual Fringe Rate 30%**	**Billable Fringe Rate 25%**	**Agreement Indirect Rate 45%**	**Actual Indirect Rate 40%**	**Billable Indirect Rate 40%**	**Billable Loaded Rate**
$25.00	$6.25	$7.50	$6.25	$11.25	$10.00	$10.00	$41.25
$32.00	$8.00	$9.60	$8.00	$14.40	$12.80	$12.80	$52.80
$35.45	$8.86	$10.64	$8.86	$15.95	$14.18	$14.18	$58.49

ATTACHMENT F
Local Health Impacts Information

Air Quality Guidelines (California Code of Regulations, Title 13, Chapter 8.1, Section 2343(c)(6)(A)) require the Energy Commission to analyze the aggregate locations of the funded projects, analyze the impacts in communities with the most significant exposure to air contaminants or localized air contaminants, or both, including, but not limited to, communities of minority populations or low-income populations, and identify agency outreach to community groups and other affected stakeholders.

This information must be provided for all AB 118 funding categories, including fueling stations, fuel production, feedstock production or procurement, and vehicle or technology component production.

INSTRUCTIONS
Please complete the following information *for the site(s) of the proposed project that will require a permit*. Attach additional pages if necessary. If the project includes multiple sites, you may submit this information in a table format using the bolded font below as column headers.

PROJECT NAME

APPLICANT'S NAME AND ORGANIZATION

PROJECT SITE(S) DESCRIPTION
Provide the address(es) of the site(s) and a description of existing infrastructure or facilities (if any), surrounding structures, reference to any regional plans or zoning requirements for that location, and its proximity to residences, day care facilities, elder care facilities, and schools.

(E.g., Site 1: 123 Main Street, Grand Terrace, CA, 92313, vacant lot in a commercially-zoned area. Commercial buildings surround the lot. No residences within ¼ mile; Site 2: 321 Beach Street, San Francisco, CA, Existing gasoline/diesel fueling station. Residential area within 200 on South and East ends of project site.)

DEMOGRAPHIC DATA
Provide demographic data at the city or Zip code level for either the project location or the location of the potential health impacts, including:

- Total population
- Median education level
- Unemployment rate
- Percentage of minorities (by ethnicity)
- Percentage of population falling under the poverty level
- Percentage of population under 5 years and over 65 years of age

Suggested sources: Census Data, www.census.gov; city website, local economic development department, Employment Development Department Labor Market Information Data Division

Cite your data sources including name of data source, date of data

PROJECT-GENERATED EMISSIONS
Provide a quantified description of the air emissions (criteria and toxic) directly associated with the project's operations, including, but not limited to: 1) transport of fuel, feedstock or other material to project site as required for operations and production; 2) production of fuel or technology components; 3) fueling of alternatively-fueled vehicles.

PROJECT HEALTH IMPACTS
Using the demographic data and emissions information, provide a description of the project's potential localized health impacts. For this section, "potential localized health impact" denotes the project's potential to add criteria pollutants and toxic air contaminants to a localized air shed and affect ambient air quality levels to an extent that local community health is adversely affected.

PROJECT SUMMARY
Provide the page number in the proposal that describes the project goal and proposed infrastructure changes.

Provide estimate of environmental benefits and/or impacts from the proposed project.

OUTREACH EFFORTS
Describe outreach efforts to be implemented throughout the project to educate the surrounding community of these benefits and/or impacts. Include method of outreach (e.g. flyer, townhall meeting), frequency of outreach, number of targeted stakeholders, and information to be provided.